

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

THOMAS DOYLE and ANNALISA DOYLE

(b) County of Residence of First Listed Plaintiff Rockland County, NY
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, Email and Telephone Number)

MORELLI LAW FIRM PLLC, 777 Third Avenue, New York, NY 10017
212-751-9800

DEFENDANTS

ANDREW J. WONICA, PJT TRANSPORT,
PJT TRANSPORTATION, INC., and
JORGE L. SILVA,

County of Residence of First Listed Defendant Hudson County, NJ
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input checked="" type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

07/25/2017

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Signature of Clerk or Deputy Clerk

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

THOMAS DOYLE and ANNALISA DOYLE,

Plaintiffs,

vs.

**ANDREW J. WONICA, PJT TRANSPORT,
PJT TRANSPORTATION, INC., and
JORGE L. SILVA,**

Defendants.

COMPLAINT

Docket No.:

**PLAINTIFFS DEMAND
A TRIAL BY JURY**

Plaintiffs Thomas Doyle and Annalisa Doyle, by their attorneys Morelli Law Firm, PLLC, respectfully allege as follows:

NATURE OF THE CASE

1. This is a civil action for personal injuries suffered by Thomas Doyle, and for loss of consortium suffered by Annalisa Doyle (collectively "Plaintiffs"), against Defendants Andrew Wonica, PJT Transport, PJT Transportation, Inc. and Jorge Silva (collectively "Defendants").
2. This action arises out of a motor vehicle accident that occurred on February 22, 2017, on Route 17 in Paramus, NJ.
3. In this accident, a truck driven by Mr. Wonica and owned by PJT Transport and PJT Transportation, Inc. (hereinafter, the "PJT Truck") and a truck owned by Mr. Silva (hereinafter, the "Silva Truck") collided, causing a heavy steel beam that was being transported in the Silva Truck to become dislodged, launch across the highway median as a projectile and collide with Mr. Doyle's vehicle. As a result, Mr. Doyle sustained

severe and permanent injuries. The Defendants' negligence was a substantial contributing factor in causing Plaintiffs' injuries.

PARTIES

4. Plaintiff, Thomas Doyle, at the time of the occurrence and at all times relevant herein was a resident of Rockland County, State of New York.
5. Plaintiff Annalisa Doyle, at the time of the occurrence and at all times relevant herein was a resident of Rockland County, State of New York.
6. Defendant Andrew Wonica, at the time of the occurrence and at all times relevant herein was a resident of Jersey City, NJ.
7. Defendant PJT Transport is a New Jersey company with its principal place of business located in South Kearny, NJ.
8. Defendant PJT Transportation, Inc. is a New Jersey company with its principal place of business located in South Kearny, NJ.
9. Defendant Jorge Silva, at the time of the occurrence and at all times relevant herein was a resident of Carteret, NJ, and his/the company's principal place of business was located in Carteret, NJ.

VENUE AND JURISDICTION

10. The Court has original jurisdiction over this action under 28 U.S.C. § 1332, in that the amount of controversy exceeds seventy five thousand dollars (\$75,000) and Plaintiffs are citizens of states which are different from the states where Defendants are residents, incorporated and/or have their principal places of business.
11. Venue is proper in this district because the accident occurred in Paramus, NJ, in the

County of Bergen, which falls within the jurisdiction of this Court.

FACTUAL ALLEGATIONS

12. On February 22, 2017, Defendant Andrew Wonica was operating a tractor trailer owned by Defendant PJT Transport.
13. On February 22, 2017, Defendant Andrew Wonica was operating a tractor trailer owned by Defendant PJT Transportation, Inc.
14. On February 22, 2017, Defendant Andrew Wonica was an employee of Defendant PJT Transport.
15. On February 22, 2017, Defendant Andrew Wonica was an employee of Defendant PJT Transportation, Inc. (Defendants PJT Transport and PJT Transportation, Inc. will collectively be referred to herein as "PJT").
16. While Defendant Wonica was operating the PJT Truck traveling northbound on Route 17, the breaks on the trailer of the PJT Truck failed.
17. Defendant Wonica was operating the PJT Truck in the scope of his employment.
18. As a result of trailer's breaks failing, Defendant Wonica was unable to move his vehicle.
19. Accordingly, Defendant Wonica activated the PJT Truck's hazard lights and the PJT Truck remained in the center left lane of the highway.
20. While the PJT Truck was stopped in the middle of the highway, Antonio Cerrato was operating the Silva Truck on Route 17 northbound.
21. Upon information and belief, Mr. Cerrato was an employee of Defendant Jorge Silva, and working in the scope of his employment at the time of the accident.
22. Mr. Cerrato, while operating the Silva Truck, was transporting a cargo load of heavy steel beams.

23. Mr. Cerrato, while operating the Silva Truck and proceeding northbound on Route 17, failed to recognize the PJT Truck stopped in the middle of the roadway and collided with the rear of the PJT Truck.
24. After colliding with the PJT Truck, the Silva Truck careened into the center barrier median of Route 17.
25. As a result of the collision, one of the steel beams being transported by the Silva Truck became dislodged, and was caused to launch as a projectile across the highway into oncoming traffic.
26. At the time of the collision between the PJT Truck and the Silva Truck, Mr. Doyle was operating his vehicle southbound on Route 17.
27. The projectile steel beam was caused to smash into Mr. Doyle's car, crushing his vehicle and causing him severe and permanent personal injuries.
28. Mr. Doyle was extracted from the car and transported to the hospital.

FIRST COUNT – NEGLIGENCE

29. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as if fully set forth herein.
30. On February 22, 2017, Plaintiff Thomas Doyle was lawfully operating his vehicle on Route 17 southbound in Paramus, NJ.
31. On February 22, 2017, Andrew Wonica was an employee of PJT, and was operating his truck in the regular course of his employment.
32. On February 22, 2017, Antonio Cerrato was an employee of Jorge Silva, and was operating his truck in the regular course of his employment.

33. On February 22, 2017, the PJT Truck and the Silva Truck were involved in a motor vehicle collision on Route 17 northbound in Paramus, NJ.
34. As a result of the motor vehicle collision between the PJT Truck and the Silva Truck, a steel beam was caused to launch as a projectile from the Silva Truck across the highway divider, into oncoming traffic, and struck Mr. Doyle's vehicle.
35. The Defendants were careless and negligent in the ownership of their vehicles.
36. The Defendants were careless and negligent in the operation of their vehicles.
37. The Defendants were careless and negligent in the maintenance of their vehicles.
38. The Defendants were careless and negligent in the inspection of their vehicles.
39. As a direct and proximate result of the Defendants' careless and negligent conduct, the aforementioned accident occurred and Mr. Doyle was caused to sustain severe and permanent personal injuries including but not limited to multiple fractures which required multiple surgeries, extensive medical treatment, and will require significant physical rehabilitation.
40. As a direct and proximate result of the physical injuries sustained by Mr. Doyle in the collision, he has been incapacitated from pursuing his usual employment and other activities, may be left with disabilities that will in the future similarly incapacitate him and cause him pain and suffering, and may require medical treatment.

SECOND COUNT – LOSS OF CONSORTIUM

41. Plaintiffs incorporate by reference all preceding paragraphs of this complaint as if fully set forth herein.
42. As a consequence of the motor vehicle accident further described above, Mr. Doyle

sustained significant and permanent injuries as more fully described above.

43. Before suffering the injuries resulting from the accident, Mr. Doyle was able to and did perform all the duties of a husband and did perform these duties, including but not limited to maintaining the home, providing love, companionship, affection, society, sexual relations, moral support and solace to his wife, Annalisa Doyle.
44. Ms. Doyle suffered from loss of society and consortium as a result of these injuries to her husband.

DEMAND FOR A JURY TRIAL

Plaintiffs hereby demand a jury trial as to all issues so triable as a matter of right, pursuant to F.R.C.P. 38(b)(1) and 38(c).


PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand upon Defendants:

- a. actual, compensatory and statutory damages;
- b. punitive damages as allowed by law;
- c. pre and post-judgment interest as allowed by law;
- d. an award of attorneys' fees as allowed by law;
- e. an award of taxable costs; and
- f. any and all such further relief as this Court deems just and proper.

Dated: New York, New York
July 25, 2017

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Attorneys for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT
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THOMAS DOYLE and ANNALISA DOYLE,

Plaintiffs,

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**ANDREW J. WONICA, PJT TRANSPORT,
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Defendants.

COMPLAINT

Docket No.:

**PLAINTIFFS DEMAND
A TRIAL BY JURY**

SUMMONS AND COMPLAINT

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